

14JE-AC03146

IN THE CIRCUIT COURT
JEFFERSON COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JASON ISTRE

Plaintiff,

v.

SYNDICATED OFFICE SYSTEMS, LLC
d/b/a CENTRAL FINANCIAL CONTROL

Serve at:
CT Corporation System
120 South Central Avenue
Clayton, Missouri 63105

Defendant.

Cause No.

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff, Jason Istre, and for his Petition states as follows:

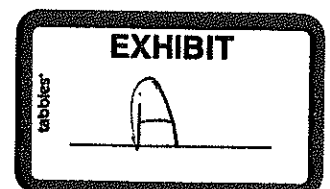
INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's FDCPA claims under 15 U.S.C. § 1692k(d) because the illicit collection activity was directed at Plaintiff in Jefferson County, Missouri. Venue is also appropriate in this Court for that reason.



PARTIES

4. Plaintiff is a natural person currently residing in Jefferson County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA.

5. The alleged debts Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debts arise from medical services received by Plaintiff.

6. Defendant Syndicated Office Systems, LLC d/b/a Central Financial Control (“Syndicated”) is a foreign limited liability company with its principal place of business located in Dallas, Texas.

7. Defendant engages in business the principal purpose of which is the collection of debts in Missouri and nationwide, and it regularly attempts to collect debts alleged to be due another.

8. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a(6).

FACTS

9. Defendant’s collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

10. In mid-June 2014, Plaintiff reviewed his credit report.

11. Plaintiff noticed several entries from an entity called “Syndicated Office Systems.”

12. Plaintiff did not recognize that name and has never received a collection letter bearing that name.

13. Plaintiff has received several collection letters from “Central Financial Control.”

14. Nowhere on these letters did Defendant state its true name, Syndicated Office Systems, or that "Central Financial Control" is merely a fictitious name Defendant uses.

15. Defendant's deceptive omission (or active concealment) of its true name mislead Plaintiff.

16. For example, Plaintiff called "Central Financial Control" in mid-June 2014 to inquire about threats of credit-reporting it made in many of its letters.

17. During the call, Defendant repeatedly identified itself only as "Central Financial Control."

18. Defendant claimed during the call that it was currently reporting one of Plaintiff's debts to all three credit bureaus.

19. Plaintiff disagreed with Defendant, stating that it did not see "Central Financial Control" anywhere on his credit report.

20. Plaintiff did not deduce until after the call that Defendant was mysteriously both "Central Financial Control" and "Syndicated Office Systems."

21. Plaintiff never entered into any agreement whereby he consented to arbitrate disputes with Defendant.

22. Defendant's collection activity has caused Plaintiff to incur actual damages, including but not limited to anxiety, stress, and worry.

COUNT I: VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

23. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

24. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, including, but not limited to, the following:

a. Using a business, company, or organization name other than the true name of the debt collector's business, company, or organization, 15 U.S.C. § 1692e;

b. Engaging in harassing, deceptive, and unconscionable conduct in an attempt to collect a debt, including concealing Defendant's true name over and over again in each communication with Plaintiff, 15 U.S.C. § 1692d-f;.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Release of the alleged debt;
- C. Damages, costs, and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

VOYTAS & COMPANY

/s/ Richard A. Voytas, Jr.

RICHARD A. VOYTAS, JR., #52046
Voytas & Company
1 North Taylor Ave.
St. Louis, Missouri 63108
Phone: (314) 932-1068



IN THE 23RD JUDICIAL CIRCUIT COURT, JEFFERSON COUNTY, MISSOURI

Judge or Division: STEPHEN DWIGHT BOUCHARD	Case Number: 14JE-AC03146
Plaintiff/Petitioner: JASON ISTRE	Plaintiff's/Petitioner's Attorney/Address: CHRISTOPHER KENNEDY BADER 1 NORTH TAYLOR AVENUE ST. LOUIS, MO 63108
vs.	
Defendant/Respondent: SYNDICATED OFFICE SYSTEMS, LLC D/B/A CENTRAL FINAN. CONTROL	Date, Time and Location of Court Appearance: 13-AUG-2014, 09:00 AM Division 12 Courtroom P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: SYNDICATED OFFICE SYSTEMS, LLC D/B/A CENTRAL FINAN. CONTROL

Alias:

120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF



JEFFERSON COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

07/07/2014

HOWARD WAGNER - CIRCUIT CLERK
BY: /s/ BETH FIELDER - DEPUTY CLERK

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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JEFFERSON COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JASON ISTRE

Plaintiff,

v.

SYNDICATED OFFICE SYSTEMS, LLC
d/b/a CENTRAL FINANCIAL CONTROL

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Cause No.

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW undersigned counsel, pursuant to Local Rules, and at his own risk requests the appointment of the Circuit Clerk of:

Services Rendered, Inc.
Mark Wilcox, Lawrence Roth, Marybeth Rice, James Bromeier, Pat Medley
220 West Lockwood, Ste. 104
St. Louis, Missouri 63119
(314) 918-0448

Natural persons of lawful age to serve the summons and petition in this cause on **Syndicated Offices Systems, LLC d/b/a Central Financial Control**. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE DEFENDANT AT:

CT Corporation System
120 South Central Avenue
Clayton, Missouri 63105

/s/ Richard A. Voytas, Jr.

**All Risks to Plaintiff
So Appointed:**

Date: _____

By: _____
Judge

RICHARD A. VOYTAS, JR. #52046
VOYTAS & COMPANY
1 North Taylor Ave.
St. Louis, MO 63108
(314) 932-1068



IN THE 23RD JUDICIAL CIRCUIT COURT, JEFFERSON COUNTY, MISSOURI

Judge or Division: STEPHEN DWIGHT BOUCHARD	Case Number: 14JE-AC03146
Plaintiff/Petitioner: JASON ISTRE	Plaintiff's/Petitioner's Attorney/Address: CHRISTOPHER KENNEDY BADER 1 NORTH TAYLOR AVENUE ST. LOUIS, MO 63108
Defendant/Respondent: SYNDICATED OFFICE SYSTEMS, LLC D/B/A CENTRAL FINAN. CONTROL	Date, Time and Location of Court Appearance: 13-AUG-2014, 09:00 AM Division 12 Courtroom P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: AC Other Tort	(Date File Stamp)

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- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



230319

STATE OF MISSOURI
County of Jefferson Associate
Docket number 14JE-AC03146

Jason Istre

AFFIDAVIT OF SERVICE

Plaintiff,
vs.

Syndicated Office Systems LLC,

Defendant,

I, Lawrence G. Roth affirm and depose that I am a Process Server 18 years of age or over who is not a party to the action.

I hereby certify and return that on 07/08/2014 at 3:10 PM, I served copies of the SUMMONS AND PETITION ASSOCIATE Personally upon **Syndicated Office Systems LLC** as articulated below.

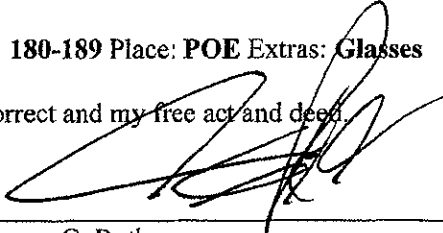
By delivering a copy to **Bonnie L. Love** personally; **Senior Process Specialist** thereof, an authorized person to accept service of process.

Said service was effected at: **120 South Central Ave, Clayton, MO63105.**

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Female** Race: **White** Hair: **Brown** Height: **5'7"** Weight: **180-189** Place: **POE** Extras: **Glasses**

I certify that the foregoing statements made by me are true, correct and my free act and deed.

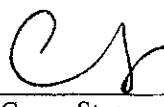


Lawrence G. Roth

The foregoing affidavit sworn and subscribed before me today, July 09, 2014

Bridget Desimone

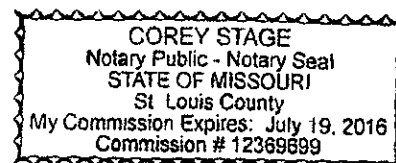
Jaclyn S. Baker



Corey Stage

JobNo. 230319

Fee For Service: \$40.00





IN THE 23RD JUDICIAL CIRCUIT COURT, JEFFERSON COUNTY, MISSOURI

Judge or Division: STEPHEN DWIGHT BOUCHARD	Case Number: 14JE-AC03146
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 Alias:
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COURT SEAL OF

JEFFERSON COUNTY

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07/07/2014
 HOWARD WAGNER - CIRCUIT CLERK
 BY: /s/ BETH FIELDER - DEPUTY CLERK

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☐ other _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____

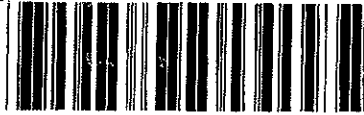
Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).
 My commission expires: _____ Date _____ Notary Public _____

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ <u>10.00</u>
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

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230319

STATE OF MISSOURI
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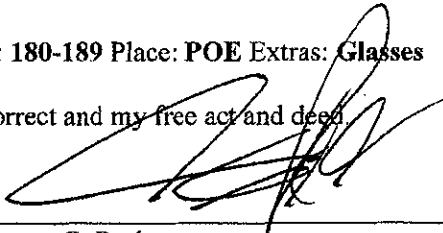
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I certify that the foregoing statements made by me are true, correct and my free act and deed

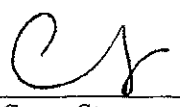


Lawrence G. Roth

The foregoing affidavit sworn and subscribed before me today, July 09, 2014

Bridget Desimone

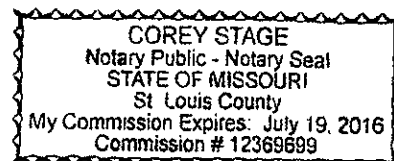
Jaclyn S. Baker



Corey Stage

JobNo. 230319

Fee For Service: \$40.00



6. Defendant Syndicated Office Systems, LLC is a limited liability company organized under the laws of California with its entity address in Frisco, Texas. Defendant is engaged the business of debt collection. Defendant denies all other allegations contained in paragraph 6.

7. Defendant is engaged the business of debt collection. Defendant denies all other allegations contained in paragraph 7.

8. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 8 of Plaintiff's Petition, and therefore, denies the same.

9. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 9 of Plaintiff's Petition, and therefore, denies the same.

10. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 10 of Plaintiff's Petition, and therefore, denies the same.

11. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 11 of Plaintiff's Petition, and therefore, denies the same.

12. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 12 of Plaintiff's Petition, and therefore, denies the same.

13. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 13 of Plaintiff's Petition, and therefore, denies the same.

14. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 14 of Plaintiff's Petition, and therefore, denies the same.

15. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 15 of Plaintiff's Petition, and therefore, denies the same.

16. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 16 of Plaintiff's Petition, and therefore, denies the same.

17. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 17 of Plaintiff's Petition, and therefore, denies the same.

18. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 18 of Plaintiff's Petition, and therefore, denies the same.

19. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 19 of Plaintiff's Petition, and therefore, denies the same.

20. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 20 of Plaintiff's Petition, and therefore, denies the same.

21. Defendant is without sufficient information at this time to admit or deny the allegations contained in paragraph 21 of Plaintiff's Petition, and therefore, denies the same.

22. Defendant denies each and every allegation contained in paragraph 22 of Plaintiff's Petition.

COUNT I

23. Defendant restates and realleges its responses to paragraphs 1 through 22 as though fully set forth herein.

24. Defendant denies each and every allegation contained in Count I, paragraph 36 of Plaintiff's Petition, including the allegations in sub-paragraphs (a) through (b).

WHEREFORE, Defendant, Syndicated Office Systems, LLC dba, Central Financial Control having fully answered all the allegations contained in Plaintiff's Petition, respectfully requests this Court to dismiss Plaintiff's Petition, to award defendant its costs and expenses incurred herein, and award defendant any other relief which is just and proper.

AFFIRMATIVE DEFENSES

1. For further answer and defense, defendant states that whatever violation of the Fair Debt Collection Practices Act (FDCPA) may have occurred was the result of a bona fide error under Section 1692k(c) of the FDCPA.

2. For further answer and defense, defendant would show that plaintiff has failed to mitigate his damages.

3. For further answer and defense, defendant states that plaintiff's alleged "actual damages including, but not limited to anxiety, stress, and worry" may have already existed, and/or may have resulted from a natural progression of preexisting conditions or were related to other factors or occurrences unrelated to the events outlined in Plaintiff's Petition.

4. For further answer and defense, plaintiff is barred from bringing this cause of action for failing to meet the statute of limitations prescribed under the Fair Debt Collection Practices Act.

5. For further answer and defense, defendant states that if plaintiff was damaged as alleged in the petition, which defendant specifically denies, said damages were caused or contributed to by circumstances beyond the control of this defendant.

6. For further answer and defense, if plaintiff has incurred or sustained any losses, damages, or injuries, said injuries, losses or damages, if any, were contributed to and/or caused, in whole or in part, by the carelessness or negligence of persons, corporations or entities other than defendant.

7. For further answer and defense, if plaintiff has suffered injuries, damages, or disabilities, there must be an apportionment of such injuries or damages caused by illnesses, conditions, injuries, or other causal factors not caused by defendant.

8. Portions of plaintiff's claims may be barred under the Doctrine of Laches.

9. For further answer and defense, defendant states that plaintiff has failed to state a cause of action upon which relief can be granted.

WHEREFORE, Defendant, Syndicated Office Systems, LLC dba, Central Financial Control having fully answered all the allegations contained in Plaintiff's Petition, respectfully requests this Court to dismiss Plaintiff's Petition, to award defendant its costs and expenses incurred herein, and award defendant any other relief which is just and proper.

Respectfully submitted,

BOYLE BRASHER LLC

s/ Thomas P. McDermott

William A. Brasher, #30155
Thomas P. McDermott, #33386
One Metropolitan Square
211 North Broadway, Suite 2300
St. Louis, MO 63102
314-621-7700
314-621-1088 (FAX)
wbrasher@boylebrasher.com
tmcdermott@boylebrasher.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2014, a copy of the foregoing document was electronically filed and mailed via First Class U.S. Mail, postage prepaid, to:

Richard A. Voytas
Voytas & Company
1 North Taylor Ave.
St. Louis, MO 63108

s/ Thomas P. McDermott



Your Missouri Courts

THE JUDICIAL BRANCH OF STATE GOVERNMENT



--Select Destination--

File on Existing Case Confirmation

Thank you for your submission on **8/7/14 at 4:40 PM**. Below is important information regarding this submission. You will receive emails from the eFiling System regarding the status of your submission. This page is printer friendly.

If you need to contact the clerk about this submission or if you need to submit another filing and you do not have the case number, please use the following.

eFiling Confirmation Number: EF1990747

The following information and documents were submitted with this filing.

Attorney Reference Number: 33386

No filing fee or payment information on this filing.

Case

Court Case Number: 14JE-AC03146

Court Case Description: JASON ISTRE V SYNDICATED OFFICE SYSTEMS, LLC D/B/A

Other Tort filed in Jefferson County - Circuit Court

Notes to Clerk: Jason Istre v. Syndicated Office Systems, LLC - Answer to Petition

Document

Answers to - Answer (other)

Answer to Petition

Attachments

Electronic Filing Certificate of Service

Filed on behalf of: SYNDICATED OFFICE SYSTEMS, LLC D/B/A CENTRAL FINAN. CONTROL

eService

Party

CHRISTOPHER KENNEDY
BADER, Attorney for Plaintiff

Service Email Address

christopher.kennedy.bader@gmail.com

EFILING
MENU